

**Notice of Allowability**

Application No.

09/896,163

Examiner

Ellen C. Tran

Applicant(s)

JERDONEK, ROBERT A.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 July 2006 and 21 July 2006.
2. ☒ The allowed claim(s) is/are 1-10 and 12-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Terminal Disclaimer.

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

1. In response to amendment filed on 14 July 2006 and Examiner Initiated Interview on 21 September 2006, the amendment to the claims, specification, and terminal disclaimer are accepted.
2. An examiner's amendment to the record is attached. Please enter entire claim set. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The examiner's amendment to amends claim 15; was authorized by attorney of record Sean F. Parmenter in phone interview on 21 September 2006.

*Reasons for Allowance*

3. Claims 1-10 and 12-21 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

In interpreting the claims in light of the specification and applicant's argument, and the Amendment filed 7/14/2006, as well as Examiner's Amendment attached. Examiner finds the claimed invention is patentable distinct from the prior art of record.

The prior arts of record, Chang introducing a mechanism for a plurality of sessions between a client and a server with user authentication and identification information; where identification information is cached in memory for subsequent connection requests. Chang in view of Yatsukawa, introduces a processor using public-key enciphering scheme with a public-key certificate. Chang in view of Yatsukawa in further view of Baskey introducing a secure communication channel such as SSL.

The prior art of record, Chang in view of Yatsukawa in further view of Baskey fail to

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anticipate or render Applicant's particular feature that

**"wherein the authentication server activates the password that is inactive when the digital signature is verified"**

The dependent claims, being further limiting to the independent claims, defined and enabled by the Specification are also allowed.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 8:30 am to 5:00 pm.

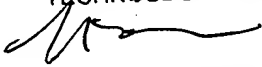
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques H. Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ECT

*Ellen. Tran*  
*Patent Examiner /Technology Center 2134 /26 September 2006*

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
9, 27, 06

EXAMINER'S AMENDMENT:

This listing of claims replaces all prior versions, and listings, of claims in the application:

**Listing of Claims**

**Listing of Claims:**

1. (Previously presented) A computer program product for a client computing system including a processor includes:
  - code that directs the processor to request a challenge from an authentication server;
  - code that directs the processor to receive the challenge from the authentication server via a secure communications channel, wherein the challenge includes at least a password that is inactive;
  - code that directs the processor to receive user authentication data from a user;
  - code that directs the processor to determine a private key and a digital certificate in response to the user authentication data;
  - code that directs the processor to form a digital signature in response to the password that is inactive from the authentication server and the private key;
  - code that directs the processor to communicate the digital signature to the authentication server,
  - code that directs the processor to communicate the digital certificate to the authentication server, the digital certificate comprising a public key in an encrypted form; and
  - code that directs the processor to communicate network user authentication data and the password that is inactive to the authentication server via a security server,wherein the authentication server activates the password that is inactive when the digital signature is verified, and  
wherein the codes reside on a tangible media.
2. (Previously presented) The computer program product of claim 1 wherein the password that is inactive remains inactivate when the authentication server does not verify the digital signature.

3. (Previously presented) The computer program product of claim 1 wherein the security server comprises a server selected from a group of servers consisting of: firewall server, VPN gateway server.

4. (Original) The computer program product of claim 1 wherein code that directs the processor to determine the private key and the digital certificate in response to the user authentication data comprises code that directs the processor to determine a private key associated with the user when the user authentication data is correct.

5. (Original) The computer program product of claim 4 wherein code that directs the processor to determine the private key and the digital certificate in response to the user authentication data further comprises code that directs the processor to determine a private key not associated with the user when the user authentication data is incorrect.

6. (Original) The computer program product of claim 1 further comprising code that directs the processor to receive network user authentication data from the user.

7. (Original) The computer program product of claim 1 wherein code that directs the processor to receive user authentication data from a user comprises code that directs the processor to receive user authentication data and the network authentication data from the user.

8. (Previously presented) A client computing system for communicating with a private server includes:

a tangible memory configured to store a key wallet, the key wallet including a private key associated with [[the]] a user and a digital certificate associated with [[a]] the user, the private key and digital certificate stored in an encrypted form;

a processor coupled to the tangible memory, the processor configured to receive a challenge from an authentication server via a secure communications channel, the challenge comprising a password that is inactive, configured to receive user authentication data from the user, configured to determine a retrieved private key and a retrieved digital certificate from the key wallet in response to the user authentication data from the user; configured to form a digital

signature in response to the password that is inactive from the authentication server and the retrieved private key, configured to communicate the digital signature to the authentication server, configured to communicate the digital certificate to the authentication server, and configured to communicate network user authentication data and the identity code to the authentication server via a security server,

wherein the authentication server activates the password that is inactive when the digital signature is verified, and

wherein the security server allows the client computing system to communicate with the private server when the password that is inactive is activated.

9. (Original) The client computing system of claim 8 wherein the retrieved private key and the private key associated with the user are identical.

10. (Original) The client computing system of claim 8 wherein the retrieved private key and the private key associated with the user are different, and

wherein when the retrieved private key and the private key associated with the user are different the identity code remains inactive.

11. Canceled.

12. (Previously presented) The client computing system of claim 8 wherein the security server comprises a server selected from a group of servers consisting of: firewall server, VPN gateway server, electronic mail server, web server, database server, database system, application server.

13. (Original) The client computing system of claim 8 wherein the tangible memory can be removed from the client computer.

14. (Original) The client computing system of claim 8 wherein the processor is also configured to receive the network user authentication data from the user.

15. (Currently amended) A client system for communicating with a remote server includes:

a tangible memory configured to store key wallet program, the key wallet program configured to store a private key associated with a user and a digital certificate associated with the user in protected forms;

means for receiving a challenge from a verification server via a secure communications channel, the challenge comprising at least a network password that is inactive;

means for receiving at least a PIN from the user;

means ~~coupled to the tangible memory~~ for determining a returned private key and a returned digital certificate from the key wallet in response to at least the PIN from the user;

means for forming a digital signature in response to the network password received from the verification server and to the private key;

means for communicating the digital certificate and the digital signature to the authentication server; and

means for communicating at least the network password to a security server, wherein the network password is activated when the digital signature and digital certificate authenticate the user; and

wherein the security server allows the client system to communicate with the remote server when the network password is activated.

16. (Original) The client system of claim 15 wherein the returned private key and the private key associated with the user are the same.

17. (Previously presented) The client system of claim 16 wherein the means for determining a returned private key comprises means for determining the returned private key in response to the PIN from the user, and a pre-determined PIN, wherein when the PIN from the user and the pre-determined PIN are different, the returned private key is different from the private key associated with the user, wherein when the PIN from the user and the pre-determined PIN are the same, the returned private key is the private key associated with the user;

wherein when the returned private key and the private key associated with the user are different the digital signature and the digital certificate do not authenticate the user.

18. (Original) The client system of claim 15 further comprising means for receiving at least a network password associated with the user from the user,

wherein the means for communicating the digital certificate and the digital signature to the authentication server also comprise means for communicating the network password associated with the user to the authentication server.

19. (Original) The client system of claim 15 wherein the means for communicating the digital certificate and the digital signature to the authentication server also comprise means for communicating a network password associated with the user to the authentication server;

the client system further comprising means for determining the network password associated with the user in response to at least the PIN from the user.

20. (Previously presented) The client computing system of claim 15 wherein the client computing system is selected from a group of devices consisting of: desktop computer, portable computer, PDA, wireless device.

21. (Previously presented) The client computing system of claim 8 wherein the password that is inactive is determined in the authentication server, and

wherein the password that is inactive is not stored on the client computing system before receiving the challenge from the authentication server.



Atty Docket No. 020967-000220US

PTO FAX NO.: 571-273-3842

ATTENTION: Examiner TRAN, ELLEN C.

Group Art Unit 2134

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER TRAN, ELLEN C.**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of JERDONEK, ROBERT A., Application No. 09/896,163, filed June 28, 2001 for APPARATUS FOR PRE-AUTHENTICATION OF USERS USING ONE-TIME PASSWORDS are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Terminal Disclaimer (1 pg.)
2. Transmittal Form (1 pg.)

Number of pages being transmitted, including this page: 3

Dated: September 25, 2006

  
Alicia Martell

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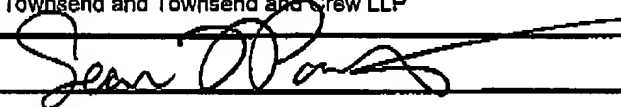
TOWNSEND and TOWNSEND and CREW LLP  
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San Francisco, CA 94111-3834  
Telephone: 650-326-2400  
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4004


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PTO/SB/21 (07-08)

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/896,163	
	Filing Date	June 28, 2001	
	First Named Inventor	Jerdonek, Robert	
	Art Unit	2134	
	Examiner Name	TRAN, ELLEN C.	
Total Number of Pages in This Submission	2	Attorney Docket Number	020987-000220US

ENCLOSURES <small>(Check all that apply)</small>				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):		
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Remarks</td> <td>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</td> </tr> </table>			Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Sean F. Parmenter		
Date	September 25, 2006	Reg. No.	53,437

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. 1-571-273-3842 on September 25, 2006.			
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**TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
020967-000220US

In re Application of: Robert A. Jerdonek

Application No.: 09/889,159

Filed: June 28, 2001

For: Apparatus for Pre-Authentication of Users Using One-Time Passwords

6,983,381

The owner, Arco Systems, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,983,381 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is released; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

[Signature]  
Signature

9/22/06  
Date

RAMMOHAN VAKADARAJAN  
Typed or printed name

408 569 6121  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/09 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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